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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

MATHUE FASCHING, individually and on behalf of all others similarly situated, Plaintiff, v. FCA US LLC and FIAT CHRYSLER AUTOMOBILES N.V., Defendants.	Case No. 3:17-cv-00231-EMC **STIPULATION AND [PROPOSED] ORDER TO STAY ACTION PENDING DECISION BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION** Judge: Honorable Edward M. Chen

WHEREAS, on January 17, 2017, plaintiff Mathue Fasching ("Plaintiff") filed a complaint (the "Complaint") against FCA US LLC ("FCA") and Fiat Chrysler Automobiles N.V. (together, "Defendants");[1]

WHEREAS, the Complaint alleges that Defendants made false representations concerning vehicle emissions and fuel efficiency concerning model year 2014-2016 Dodge Ram 1500 and model year 2014-2016 Jeep Grand Cherokee vehicles equipped with 3.0-liter "EcoDiesel" engines (*see* Dkt. 1, at 1);

WHEREAS, Plaintiff alleges that the vehicles were equipped with a so-called "defeat device" designed to limit emissions and increase fuel efficiency in testing conditions (*see id.*);

WHEREAS, Plaintiff purports to bring suit on behalf of a national, putative class of purchasers and lessees of the Dodge Ram 1500 and Jeep Grand Cherokee vehicles with EcoDiesel engines (*see id.* at 2);

WHEREAS, at least eight other putative class action lawsuits (with the instant action, the "Actions") have been filed against FCA and/or Defendants making similar allegations concerning false representations of fuel efficiency and vehicle emissions in FCA vehicles with diesel engines that were allegedly equipped with "defeat devices,"[2] and additional such suits may be filed in the future;

WHEREAS, plaintiffs in one of the Actions, *Warren* v. *FCA US LLC*, No. 17-cv-00059, have filed a motion with the Judicial Panel on Multidistrict Litigation ("JPML") requesting Transfer and Centralization of all Related Cases

[1] By entering into this stipulation, Defendants do not waive, and expressly preserve, all defenses, including all defenses concerning jurisdiction, service or otherwise.

[2] *Stephens* v. *FCA US LLC et al.*, No. 17-cv-00040 (M.D. Ala.); *Chavez* v. *FCA US LLC et al.*, No. 16-cv-06909 (N.D. Cal.); *Warren* v. *FCA US LLC et al.*, No. 17-cv-00059 (N.D. Ala.); *Carpenter* v. *FCA US LLC et al.*, No. 17-cv-00288 (N.D. Cal.); *Walker* v. *FCA US LLC et al.*, No. 17-cv-00405 (N.D. Cal.); *Kitchel* v. *FCA US LLC et al.*, No. 17-cv-00538 (N.D. Cal.); *Sebastian* v. *FCA US LLC et al.*, No. 17-cv-00085 (S.D. Cal.); *Marlatt* v. *FCA US LLC et al.*, No. 17-cv-00096 (S.D. Ohio).

(and any future-filed "tag-along" actions), including the instant action, for coordinated or consolidated pretrial proceedings in a multidistrict litigation ("MDL"; the "MDL Motion"), *see In re Chrysler-Dodge-Jeep EcoDiesel Mktg.*, Sales Practices, and Prods. Liab. Litig., MDL No. Pending (J.P.M.L. filed February 9, 2017) (Dkt. No. 1);

WHEREAS, FCA intends to file a brief with the JPML supporting centralization of the Actions, including the instant action, and any "tag-along" cases in one district for consolidated pretrial proceedings;

WHEREAS, FCA anticipates that the MDL Motion will be set for the next JPML Hearing Session on March 30, 2017;

WHEREAS, the parties have met and conferred and agree that the requested stay during the pendency of the MDL Motion would save judicial and party resources; and

WHEREAS, should a stay order not be entered in any other related case, or be suspended, lifted, or invalidated, either party may move to lift the stay of this action.

NOW, THEREFORE, the parties, by and through their undersigned attorneys, hereby stipulate and request that the Court enter an Order staying all proceedings in this action, including the filing of an answer, motion to dismiss or other responsive pleading, until the JPML has decided whether to centralize the Actions, including the instant action, in an MDL proceeding.

Dated: February 10, 2017

Respectfully and jointly submitted,

/s/ Robert J. Giuffra, Jr.

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ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatories.

Dated: February 10, 2017

SULLIVAN & CROMWELL LLP

/s/ *William B. Monahan*
William B. Monahan

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: ____________________

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Honorable Edward M. Chen
UNITED STATES DISTRICT JUDGE